

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:20-cr-111

vs.

KYLE RUTHERFORD,

District Judge Michael J. Newman

Defendant.

---

**ORDER: (1) GRANTING DEFENDANT’S MOTION TO ADOPT AND JOIN IN THE GOVERNMENT’S RESPONSE TO THE COURT’S ORDER (Doc. No. 73); (2) CONFIRMING THAT THIS COURT HAS JURISDICTION TO PROCEED THROUGH FINAL JUDGMENT; AND (3) CONFIRMING THE SENTENCING HEARING SCHEDULED FOR 10:00 AM ON JULY 26, 2023 IN COURTROOM 4**

---

This criminal case is before the Court after it ordered the parties to submit briefing on whether it possessed jurisdiction to accept Defendant’s guilty plea and sentence him as he is charged in the Second Superseding Information, pursuant to the Assimilative Crimes Act (“ACA”). Doc. No. 70. The Government submitted its response. Doc. No. 72. Defendant filed a motion to adopt and join in the Government’s response, Doc. No. 73, and that motion is hereby **GRANTED**.

Upon careful review, the Court is satisfied that it possesses jurisdiction to proceed through final judgment. *See, e.g., United States v. Cotton*, 535 U.S. 625, 631 (2002); *United States v. Abboud*, 438 F.3d 554, 567 (6th Cir. 2006); *United States v. Marcinkewicz*, 543 F. App’x 513, 514 (6th Cir. 2013); *United States v. Key*, 599 F.3d 469, 476–77 (5th Cir. 2010); *United States v. Twitty*, 859 F. App’x 310, 313 (10th Cir. 2021). Thus, the Court **CONFIRMS** the sentencing hearing presently scheduled for 10:00 a.m. on July 26, 2023 in Courtroom 4.

**IT IS SO ORDERED.**

June 27, 2023

s/ Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge